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09/963,260	09/25/2001	Maurice Cuijpers	US018138	8408

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EXAMINER
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VENT, JAMIE J

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/963,260

Applicant(s)

CUIJPERS ET AL.

Examiner

Jamie Vent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 11, 12, 19, 22, 23 rejected under 35 U.S.C. 102(B) as being unpatentable by Hulme et al (US 6654809).

**[claim 1]**

In regard to Claim 1, Hulme et al discloses a digital recording system comprising a digital processor and a memory (Figure 1 shows the digital processor 8 and memory 6 as further described in Column 3 Lines 23-29), the digital processor selecting related data packages from an original datastream (Column 3 Lines 30-41 describes the digital processor that selects data packages from the original datastream), wherein said related data packages are interleaved with other data packages in the original datastream in a repeating cycle (Column 3 Lines 45+ describes the interleaving of data packages from the input of seven channels), the digital processor storing the selected related data packages in a memory (Column 4 Lines 13-40 describes the storing of the data packages).

**[claim 2]**

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In regard to Claim 2, Hulme et al discloses a digital recording system wherein the data packages in the original datastream make up one or more Teletext pages (Column 1 Lines 45-53 describes the data packages comprising a teletext page), the processor selecting and storing related data packages for at least one of the Teletext pages included in the original datastream (Column 2 Lines 15-40 describes the selecting and storing of data packages for the timing information and teletext page).

**[claim 3]**

In regard to Claim 3, Hulme et al discloses a digital recording wherein all of the related data packages in the original datastream making up the at least one Teletext page are selected by the CPU from the original datastream for each repeating cycle and stored by the CPU (Column 4 Lines 13-40 describes the selecting and storing of the data packages, including teletext pages).

**[claim 4]**

In regard to Claim 4, Hulme et al discloses a digital recording system wherein the data packages in the original datastream comprise individual lines of the Teletext pages (Column 1 Lines 45-53 describes the datastream which comprises teletext pages).

**[claim 5]**

In regard to Claim 5, Hulme et al discloses wherein the at least one Teletext page selected and stored by the processor is a subtitle Teletext page (Column 1 Line 49 describes the use of a teletext page can be used in relating to the channel information.)

**[claim 11]**

In regard to Claim 11, Hulme et al discloses a system is supported

by a digital video recording platform, the processor being a component of the digital video recording platform (Figure 1 shows the set top box which composes the processor for the digital video recording).

**[claim 12]**

In regard to Claim 11, Hulme et al discloses a system wherein the digital video recording platform further comprises a tuner that receives an analog signal comprised of analog video signals and the original datastream comprised of the related data packages interleaved with the other related data packages in a repeating cycle, the tuner separating the data packages from the video signals and outputting an analog datastream comprising a repeating cycle of the related data packages interleaved with the other related data, and an analog to digital converter that digitizes the analog datastream output by the tuner into a digital datastream comprising a repeating cycle of the related data packages interleaved with the other related data, the datastream output of the analog to digital converter being provided to the processor (Figure 1 shows the digital video recording system wherein the receiving of analog and digital signals are described in Column 1 Lines 10+. Furthermore it is noted in Column 2 Lines 9-40 describes the storing and digitizing of the analog signal).

**[claim 19]**

In regard to Claim 19, Hulme et al discloses a digital playback system comprised of a digital processor and memory that creates a playback datastream comprised of related

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data packages by retrieving one or more initially stored related data packages, creating a carousel of data comprised of the initially stored related data packages, the carousel data being output in a repeating cycle to create the playback datastream, and substituting subsequently stored related data packages in the carousel that creates the playback datastream (Column 4 Lines 5+ describes the storing of data packages which are repeated for playback).

**[claim 22]**

In regard to Claim 22, the claimed limitations have been previously discussed in Claim 4.

**[claim 23]**

In regard to Claim 23, the claimed limitations have been previously discussed in Claim 4.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-10, 13-17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hulme et al (US 6654809) in view of Orr (US 2003/0035063).

**[claim 6]**

In regard to Claim 6, Hulme et al discloses a digital recording system; however fails to disclose the subtitle Teletext pages are stored with an indicia of time received in the

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original datastream, the indicia of time used to correlate the subtitle Teletext pages with corresponding video data. Orr discloses a video system wherein text is embedded in the video stream for conversion and storage. It is described in paragraphs 0011-0012 that the teletext pages are determined via the time used to correlate the subtitle pages. The correlation of the teletext insures that the video data will correspond to the teletext information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the digital recording system, as disclosed by Hulme et al, and incorporate a system which determines the teletext pages at a specific rate and at a specific time, as disclosed by Orr.

**[claim 7]**

In regard to Claim 7, Hulme et al discloses a digital recording system; however fails to disclose the processor selects and stores at least one related data package for the at least one Teletext page in a current cycle of the original data stream when the content of the at least one data package differs from the content of the corresponding data package last selected and stored by the processor for the same Teletext page in a prior cycle. Orr discloses a video system with embedded text which is selected and stored. It is further noted in Paragraph 0024 that one related package of teletext is stored and the content of the corresponding data package is selected and stored by the processor which allows for efficient storage of embedded information in the system. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use the digital recording system, as disclosed by Hulme et al, and incorporate a system which

selects and stores the current teletext page and the package corresponding to the package last selected by the processor, as disclosed by Orr.

**[claim 8]**

In regard to Claim 8, Hulme et al discloses a digital recording system; however, fails to disclose the data packages in the original datastream comprise individual lines of the Teletext pages, the processor selecting and storing a current line for the at least one Teletext page in the current cycle of the original datastream when the content of the current line differs from the content of the same line last selected and stored by the processor for the same Teletext page in the prior cycle. Orr discloses a system wherein the data packages comprise individual lines of teletext as described in Paragraph 0024-0025. Furthermore, the processor selecting and storing a current line for the current page when the content is different than the last presented line as further described in Paragraphs 0040-0043 and thereby allowing efficient storing of the new teletext pages. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a digital recording device, as disclosed by Hulme et al, and incorporate a system that selects and stores teletext pages based on previous teletext files and cycles, as disclosed by Orr.

**[claim 9]**

In regard to Claim 9, Hulme et al discloses a digital recording system wherein the recorded lines for the at least one Teletext page are stored with an indicia of time received in the original datastream, the indicia of time being usable to recreate the original datastream in a playback of the at least one Teletext page. Orr discloses a



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video system wherein text is embedded in the video stream for conversion and storage. It is described in paragraphs 0011-0012 that the teletext pages are determined via the time used to correlate the subtitle pages. The correlation of the teletext insures that the video data will correspond to the teletext information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the digital recording system, as disclosed by Hulme et al, and incorporate a system which determines the teletext pages at a specific rate and at a specific time, as disclosed by Orr.

**[claim 10]**

In regard to Claim 10, Hulme et al discloses a digital recording system wherein the processor further creates a playback datastream of the at least one Teletext page by retrieving initially stored lines that make up the at least one Teletext page (Column 4 Lines 6-10 describes the playback of the data stream), cyclically outputting the initially stored lines in the playback datastream, and substituting subsequently stored lines for the at least one Teletext page in the cyclically output playback datastream based on the indicia of time associated with the subsequently stored lines of the Teletext page (Column 4 Lines 17-57 describes the outputting of playback datastream based on timing information), wherein the initially stored lines correspond to an initial cycle of the original datastream and the subsequently stored lines correspond to subsequent cycles of the original datastream (Column 4 Lines 17-57 describes the initially stored lines in the initial cycle and the subsequent stored lines in the proceeding cycles).

**[claim 13]**

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In regard to Claim 13, the claimed limitations have been previously discussed in Claim 6.

**[claim 14]**

In regard to Claim 14, Hulme et al discloses a digital recording system wherein the processor further creates a playback datastream of the stored related data packages by retrieving the initially stored related data packages, cyclically outputting the initially stored data packages in the playback datastream, and substituting subsequently stored related data packages in the cyclically output playback datastream based on the indicia of time stored with the subsequently stored related data packages, wherein the initially stored related data packages correspond to an initial cycle of the original datastream and the subsequently stored related data packages correspond to subsequent cycles of the original datastream (Column 4 Lines 12+ describes the storing of initial data and substituting stored data into the packages for playback for viewing purposes).

**[claim 15]**

In regard to Claim 15, the claimed limitations have been previously discussed in Claim 10.

**[claim 16]**

In regard to Claim 16, Hulme et al discloses a digital recording system wherein the processor substitutes subsequently stored related data packages in the playback datastream using an indicia of time as stored with the subsequently stored related data packages (Column 4 Lines 30+ describes the storing of related data packets based on time information).

**[claim 17]**

In regard to Claim 17, Hulme et al discloses a digital recording system wherein the processor substitutes subsequently stored related data packages in the playback datastream using a data file structure of the subsequently stored related data packages (Column 3 Lines 45+ describes the data file structure which can be used for playback of the datastream).

**[claim 20]**

In regard to Claim 20, the claimed limitations have been previously discussed in Claim 10.

**[claim 21]**

In regard to Claim 21, the claimed limitations have been previously discussed in Claim 16.

Additionally, Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hulme et al (US 6654809) in view of Tsukagoshi (US 6204883).

**[claim 6]**

In regard to Claim 6, Hulme et al discloses a digital recording system; however fails to disclose the subtitle Teletext pages are stored with an indicia of time received in the original datastream, the indicia of time used to correlate the subtitle Teletext pages with corresponding video data. Tsukagoshi discloses video subtitle processing system wherein the teletext pages are stored in accordance of the time that the data as been received as described in Column 4 Lines 25+ and Column 10 Lines 15+. The

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correlation of the teletext insures that the video data will correspond to the teletext information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the digital recording system, as disclosed by Hulme et al, and incorporate a system which determines the teletext pages at a specific rate and at a specific time, as disclosed by Tsukagoshi.

**[claim 7]**

In regard to Claim 7, Hulme et al discloses a digital recording system; however fails to discloses the processor selects and stores at least one related data package for the at least one Teletext page in a current cycle of the original data stream when the content of the at least one data package differs from the content of the corresponding data package last selected and stored by the processor for the same Teletext page in a prior cycle. Tsukagoshi discloses a video system with embedded text, which is selected and stored as seen in Figure 1. Furthermore, the storage of the embedded text is described in Column 6 Lines 25+. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use the digital recording system, as disclosed by Hulme et al, and incorporate a system which selects and stores the current teletext page, as disclosed by Tsukagoshi.

**[claim 8]**

In regard to Claim 8, Hulme et al discloses a digital recording system; however, fails to discloses the data packages in the original datastream comprise individual lines of the Teletext pages, the processor selecting and storing a current line for the at least one Teletext page in the current cycle of the original datastream when the content of the

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current line differs from the content of the same line last selected and stored by the processor for the same Teletext page in the prior cycle. Tsukagoshi discloses a system wherein the data packages comprise individual lines of teletext as described in Column 10 Lines 4-42. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a digital recording device, as disclosed by Hulme et al, and incorporate a system that selects and stores teletext pages based on previous teletext files and cycles, as disclosed by Tsukagoshi, to allow the system to determine the various cycles of the teletext pages.

**[claim 9]**

In regard to Claim 9, Hulme et al discloses a digital recording system wherein the recorded lines for the at least one Teletext page are stored with an indicia of time received in the original datastream, the indicia of time being usable to recreate the original datastream in a playback of the at least one Teletext page. Tsukagoshi discloses a video system wherein text is embedded in the video stream for conversion and storage. It is described in Column 15 Lines 15+ that the teletext pages are determined via the time used to correlate the subtitle pages. The correlation of the teletext insures that the video data will correspond to the teletext information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the digital recording system, as disclosed by Hulme et al, and incorporate a system which determines the teletext pages at a specific rate and at a specific time, as disclosed by Tsukagoshi.

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Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hulme et al (US 6654809) in view of Bendinelli et al (US 6792618).

**[claim 18]**

In regard to Claim 18, Hulme et al discloses a digital recording system; however, fails to disclose the system comprises a service provided to subscribers, the selected related data packages stored in memory being transmitted to one or more subscribers for playback. Bendinelli discloses a system wherein a service is provided to subscribers which relate to various program options and is available for playback as disclosed on Column 2 Lines 1-43. This feature allows the viewer to playback selected programs without requiring set top boxes with large memory capabilities. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a digital recording system, as disclosed by Hulme et al, and further incorporate a system that allows storing and retrieving of programs through a service, as described by Bendinelli.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Yamauchi et al (US 6393202).

**Contact Information**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamie Vent  
09/27/2005

  
**James J. Groody**  
Supervisory Patent Examiner  
Art Unit 262-2616